THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6191 of 2006

DATED:28-03-2006

Between:

K. Bhasker Rao .. Petitioner

And

The Secretary to Government of A.P.,

Department of Revenue, Secretariat Buildings,

At Hyderabad. and others. ..Respondents

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ORDER:

The petitioner claims that the land admeasuring Acs.8.22 guntas comprised in Survey Nos.81 and 81/1 of Tondupally Village, Shamshabad Mandal, Ranga Reddy District, is classified as 'Government land' and that he is allegedly in possession of the land. When the third respondent issued a notice on 18-03-2004 proposing to auction the land, the petitioner herein filed a writ petition, being W.P.No.5908 of 2004. The said writ petition was dismissed by this Court observing that the land in question is the Government land, and therefore, he has no right to encroach upon the land nor he can seek regularization of his possession. The sixth respondent herein, who is none other than the brother of the petitioner also filed a writ petition, being W.P.No.5679 of 2004, seeking a direction to the Mandal Revenue Officer, to pass appropriate orders on the application made by him under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 ('ROR Act', for brevity). This Court dismissed the writ petition on 26-03-2004 observing that the land in question is a sarkari land, and therefore, interference is not called for. This Court observed that the revision petition filed by the sixth respondent may be disposed of. In the

meanwhile, the Mandal Revenue Officer by proceedings in Rc.No.D.Dis.A/566/2005, dated 02-04-2005, ordered to record the name of the sixth respondent as pattadar for the year 2004-2005. Aggrieved by the same, the petitioner made a representation to the District Collector, which was forwarded to the Revenue Divisional Officer, Chevella Division. One Shankergoud also filed an appeal under Section 5(5) of the ROR Act against the proceedings of the Mandal Revenue Officer, dated 02-04-2005. Be that as it is, the petitioner approached the Chief Commissioner (Land Administration) seeking regularization on the ground of long standing possession on payment of market value. In the meanwhile, as the sixth respondent was taking steps to dispose of the property by making a layout, the petitioner again filed W.P.No.11983 of 2005. In W.P.M.P.No.15249 of 2005, this Court while directing the Chief Commissioner (Land Administration) to dispose of the appeal, dated 26-05-2005, filed by the petitioner, further directed the parties to maintain *status quo*. Subsequently, by an order, dated 15-07-2005, this Court modified the order giving liberty to the parties to approach the civil Court to protect their possession. Now it is alleged that the sixth respondent, taking advantage of the said order, has already alienated the property to third parties, who in turn, have transferred the property to real estate agents. Therefore, he filed the present writ petition. He prays for a writ of mandamus directing respondents 3 and 4 to take action on the representation made by the petitioner and further direct the respondents to cancel the proceedings, dated 02-04-2005, issued by the fifth respondent, whereby and whereunder it was ordered to enter the name of the sixth respondent as pattadar.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

A perusal of the material placed before this Court, especially various orders passed by this Court in earlier writ petitions, two things become clear. First, the land in Survey Nos.81 and 81/1 of Tondupalli Village of Shamshabad Mandal, admeasuring Acs.8.22 guntas is a Government land and the petitioner's claim for regularization was rejected by this Court. Secondly, the Mandal Revenue Officer, by proceedings, dated 02-04-2005, allegedly placing reliance on khasra pahani 1954-1955 ordered the deletion of the existing name and to record the name of the sixth respondent as pattadar in respect of the land in Survey No.81 admeasuring Acs.8.22 guntas. When the petitioner filed a representation to respondents 3 and 4 as well as the District Collector, the same was forwarded to the Revenue Divisional Officer, by that time, he has already treated the application filed by one Shankergoud as an appeal under Section 5(5) of the ROR Act, and stayed the proceedings of the Mandal Revenue Officer. It is also brought to the notice of this Court that the petitioner filed an application to implead in the matter, which is pending before the Revenue Divisional Officer, and the same was allowed. Therefore, the fourth respondent should dispose of the matter within a period of ten days after giving opportunity to the petitioner and the parties in the appeal bearing No.C/418/2006 pending before him.

After getting instructions, the learned Assistant Government Pleader for Revenue (General) submits that the land is kept vacant and necessary steps are taken to see

that no third party rights are created by the persons, who do not have any title to the land. Hence, the same is recorded and the Mandal Revenue Officer is further directed to protect the land from being encroached upon until the matter is finally decided by the Revenue Divisional Officer.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

28.03.2006

Note: Furnish C.C. on 31-03-2006

(B/o) GJ